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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,538	04/26/2006	Danut Bogdan	2003P13769	5463
24131	7590	09/23/2008	EXAMINER	
LERNER GREENBERG STEMER LLP			HEALY, BRIAN	
P O BOX 2480			ART UNIT	PAPER NUMBER
HOLLYWOOD, FL 33022-2480			2883	
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			09/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,538	<b>Applicant(s)</b> BOGDAN ET AL.
	<b>Examiner</b> BRIAN M. HEALY	<b>Art Unit</b> 2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
  - 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 11-19 and 22-25 is/are rejected.
- 7) Claim(s) 20 and 21 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 March 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 20060327
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. Claims 1-10 have been cancelled by Applicant.

***Allowable Subject Matter***

3. Claims 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Neither Tojo 503' (discussed below) or any of the other prior art references of record, either taken singly or in combination with other references, the claimed specific spacer nominal dimensional changes recited in claims 20 and 21.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11-19 and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Tojo et. al., U.S.P. No. 5,537,503.
6. Tojo, U.S.P. No. 5,537,503 teaches (Figs.1-14, especially note Fig.7) an optical fiber module/system comprising: a circuit carrier 16,22, a semiconductor element 12 disposed in a housing 4, a lens unit 44 (Note lens can be made of a

plastic/thermoplastic) placed in a housing 46 for protecting both the lens unit and the semiconductor element wherein the lens unit 46 is used in conjunction with a spacer 50 with spacer section sets formed above and below the lens (Note that the spacer section sets can be made of different heights for purpose of alignment; See Col.6, lines 39-68) where the spacer 50 (or spacer sets) are in the shape of a cylindrical washer or molded/punched part or lens hood with the spacer unit being outside of the optical axis with adhesives being used for holding the lens in place (See Col.13, lines 35-47), which clearly, fully meets Applicant's claimed limitations.

7. A copy of PTO-1449 will be included in this office action.
8. The following references are also cited by the Examiner as being pertinent and/or related art: Uekawa, U.S. Application Publication No. U.S. 2004/0184744A1 (Figs.1-14), Althaus et. al., U.S.P. No. 7,270,488 (Figs.1-8B), Lu et. al., U.S.P. No. 6,792,179 (Figs.1-14) and Thillays, U.S.P. No. 4,711,521 (Figs.1-8B).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN M. HEALY whose telephone number is (571)272-2347. The examiner can normally be reached on M-F 6AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571)272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRIAN M. HEALY/  
Primary Examiner  
Art Unit 2883

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